

IV.—*The Labrador Boundary Question.*

By THE MOST REV. ARCHBISHOP HOWLEY.

This question which is in dispute between Newfoundland and the Province of Quebec does not of course reach the importance of the Alaska Boundary Question, which was an international one. This Labrador question is, so to say domestic, being a disagreement between two Colonies of the British Empire. Nevertheless it is of quite sufficient importance to be of interest to a large circle of readers not only in Canada but in England and in all parts of the Empire.

A few words then on the subject may not be unwelcome from the pen of one whose claim to throw some light on the question arises from the two-fold source of, *First* a personal knowledge and experience of the territory in question, and secondly an almost life-long study of the maps, voyages, Legislative Act and Treaties, etc., connected with the question.

In order to help the reader to an intelligent comprehension of the dispute, I have prepared a map which is annexed, and which will tend to make clear a statement which, without such aid, would be altogether confusing.

*The dispute takes its origin*  
from the apparently ambiguous wording of the

*Draft of Letters Patent*  
constituting the office of Governor and Commander-in-Chief of the Island of Newfoundland and its Dependencies, and defining (at least *intending* to define) the limits of the Jurisdiction of the said Official. It was drawn up in its latest form in 1876. This was a new and permanent form of Letters Patent given, as there stated, in order to make "effectual and permanent provision for the Office of Governor, etc.... without making new Letters Patent on each demise of the said Office."

By these Letters all former Letters are revoked and determined. But the new Letters are essentially the same as all former ones and are based upon the ancient treaties and acts of Parliament, and presuppose a knowledge of those. It is the want of this knowledge which makes these Letters appear ambiguous or indefinite and gives rise to the present dispute.

It will be necessary to quote here that portion of the aforesaid Letters which refers to the present question. It is as follows:—

"And further know ye, that We of Our special Grace, certain knowledge and motion, have thought fit to constitute, order and declare,

“that there shall be a Governor. . . . in and over Our Island of Newfoundland, and the Islands adjacent, and

*All the Coast of Labrador.*

“from the entrance of Hudson’s Straits, to a line to be drawn due North and South, from Anse Sablon (sic) on the said Coast to the fifty second degree of North Latitude; and all the Islands adjacent to that part of the Coast etc.”

These words, taken as they stand, and by themselves, do not appear to constitute any fixed line of boundary or contermination. The line of demarcation running due north from Blanc Sablon (the correct name) marked (A) on the map is continued till it reaches the parallel of 52nd degree N. latitude. Then nothing more is said about it. There is something more to be supplied, something understood, and I hope to show in sequence what these words really mean and imply.

The questions that arise on perusal of the above words are:—1st. What extent of coastline is thereby really handed over to the jurisdiction of the Governor to form a part of the province or colony of Newfoundland? 2nd. What is the meaning of the word *coast*? Does it merely mean the high water mark; or the line drawn from headland to headland, as Quebec contends; or does it include some portion of the *Hinterland*, as Newfoundland contends; and if so how far inland? and 3rd. What is meant by the “Entrance to Hudson’s Straits?”

In order to understand correctly the meaning of the above description and to answer these questions, it will be necessary to go back to the

*History of Legislation*

in relation to British North America.

Before entering upon this disquisition I would here say briefly that I propose to show that Quebec is both wrong and inconsistent in her interpretation of the meaning of the word “Coast;” and, secondly, that whatever interpretation may be placed upon it, that Province is stepping entirely outside her powers in questioning the rights of Newfoundland on the East Coast of Labrador.

Whatever may be the extent of the rights, maritime or territorial of Newfoundland in the premises, is a question to be settled between Newfoundland and the Mother Country. But if anything at all is certain, it is that Quebec has *absolutely no rights* on the disputed territory, and no claim whatever to interfere in the question. I may mention that the present dispute has been brought to an acute crisis by the fact that recently a settlement has been made by some people



from Canada at a place called Rigolette in Hamilton Inlet, near Lake Melville. The Minister of Finance of Newfoundland has placed a customs officer there and collected duties. The Government of Quebec has protested against this exaction, claiming the place as a part of her territory.

We will now make a short digression into the early history of the discovery and subdivisions of British North America, which will help us to a solution of the disputed points.

The northern parts of the New World were discovered by the Cabots (John and Sebastian) in 1497, and were claimed for England, while Columbus was bringing in new territory to the Kingdom of Spain to the southward. For over a century England took no interest in the new lands discovered by the Cabots of Bristol.

Immediately after Cabot's second voyage of 1498, viz., in A.D. 1500, the Portuguese Navigator Cortereal re-discovered and claimed these northern lands for the Crown of Portugal, and some Portuguese colonies were founded in Newfoundland and (what is now) Cape Breton. These colonies failed, and the French were the next to take possession of the outlying portion of the new countries, those nearest Europe, and first encountered by outward bound voyagers. France pushed her claims westward until at length she held undisputed ownership of not only Newfoundland and the neighbouring countries but all North America; stretching indefinitely westward and southward along the Mississippi Valley to New Orleans. It was not until the year 1583, nearly a hundred years after Cabot's discovery, that England woke up to the importance of taking a part in the great enterprises of western colonization. In that year Sir Humphry Gilbert, fortified by Letters Patent from Queen Elizabeth, took possession of St. John's Newfoundland and claimed all the surrounding country by right of British discovery. But the enterprise was abortive. Other such attempts followed, as that of Lord Baltimore in 1620-1, and the occupation of Nova Scotia, the Acadie of the French, by Sir William Alexander in 1621.

War soon broke out between England and France and lasted without much intermission for over a hundred years, until the

*Treaty of Paris, February 10th, 1763.*

By that Treaty France gave up all claim to her North American Possessions, retaining only, under certain conditions, the Islands of St. Pierre and Miquelon and her fishing rights on a portion of the coasts

of Newfoundland, which had been secured to her by the Treaty of Utrecht in 1713.

On the 7th October, 1763, a royal proclamation was issued (3rd Geo. III) with the object of enabling British subjects to reap "the great benefits and advantages" accruing from the said conquest, and to that end it was decided to erect within the countries and islands ceded and confirmed to Us, by the said treaty,

*Four distinct and separate Governments;*

viz. Quebec, East Florida, West Florida, and Granada. The only one of these of interest to us at present, is Quebec. Its boundaries are clearly and distinctly defined, as follows:—

"Firstly, the Government of Quebec, bounded on the Labrador Coast by the River St. John, and from thence by a line drawn from the head of that river through the Lake St. John to the south end of the Lake Nipissing, etc...."

The rest, namely the western and southern boundaries of the province, do not interest us, till we come to the final course, viz.: "and from thence (i.e. C. Rosieres on the S. side of the River St. Lawrence) crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River St. John."

From this description we learn, firstly—That the word "*Coast*" does not mean merely the high-water mark or a line from headland to headland, but it includes the *hinterland*, as far as the head waters of the River St. John. I have to anticipate a little here, to say that in the acts and proclamations which follow, the expression used is always the "Coast of Labrador," though distinctly meaning the coast with the land behind it, to some distance.

In the present case the land from the mouth of the River St. John to the head waters of the same river, a distance of one hundred and twenty miles inland is called "the Coast," and Quebec accepts that interpretation of the word.

Secondly. The above description throws light on the hitherto inexplicable words of the Newfoundland Royal Instruction already quoted, viz., "a line to be drawn due north and south from Blanc Sablon to the 52nd degree of North Latitude." A glance at the map will show that the "Head Waters of the River St. John are situated exactly on the 52nd parallel of Latitude. Now when, by the proclamation of 6 Geo. IV (1825), the dividing line between Quebec and Newfoundland was removed eastwards from the River St. John to Blanc Sablon; as there



is no river at this latter place, they adopted a straight line drawn due north and south, in other words a meridian, until it reached a point due eastwards of the head waters of St. John River namely to the 52nd degree of north latitude. Hence the northern boundary of Quebec Province in this place is *the 52nd degree, or parallel, of latitude produced east from the Head Waters of St. John River until it reaches the point A. due North of Blanc Sablon where it meets the line drawn from Blanc Sablon due North.* If these words had been placed in the Royal Instructions (instead of being left to be understood and verified by a long and tedious study of the antecedent proclamations), it would have helped much to an understanding of the draft of Letters Patent of 1876.

Now to return to the proclamation of October 7th, 1763. It continues: "And to the end that the open and free fishing of our subjects may be extended to, and carried on upon, the Coast of Labrador, and the adjacent islands, we have thought fit... to put all that coast from the River St. John to the Hudson's Straights together with the Islands of Anticosti and the Magdalen and all smaller islands, lying upon the said coast under the care and inspection of Our Governor of Newfoundland."

In the year 1774 (14 Geo. III.) all the territory granted to Newfoundland in the foregoing proclamation, was taken from Newfoundland and granted for the first time to Quebec Province. The following are the words of the act. "All such territories, islands and countries, which have since the 10th of February, 1763, been made part of the Government of Newfoundland, shall be, and they are hereby, during His Majesty's pleasure, annexed to, and made part and parcel of, the Province of Quebec as created and established by the said royal proclamation of 7th October, 1763." Subsequent to this act or Proclamation Newfoundland had no jurisdiction at all on Labrador, but that state of things did not last very long.

In 1791 (31 Geo. III.), the Province of Quebec was divided into Upper and Lower Canada. The portion of Labrador which had belonged to Quebec by the act just quoted (14 Geo. III., 1774) was given to the Province of Lower Canada. This left us in Newfoundland "as we were" without any jurisdiction on Labrador, but, in 1809 (49 Geo. III.) another change was made. By the act passed in this year, all this territory was again re-annexed to Newfoundland, except the Magdalen Islands, which were given to Prince Edward Island. It will be well to quote fully the words of the act.

".... (49 Geo. III., Sec. 14, 1809): "And whereas His Majesty, "by his proclamation of 7th October, 1763, was pleased to declare that "he had put the Coast of Labrador, from the River St. John to Hudson's "Straits, with the Islands of Anticosti and Magdalen, under the care "and inspection of the Governor of Newfoundland, and whereas, by the "act of 1774 all the above territory, etc., was separated from Newfoundland, and given to Quebec Province. It is expedient that the said "Coast of Labrador and the adjacent islands, except Magdalen Islands, "should be re-annexed to the Government of Newfoundland, such parts "of the Coast of Labrador from the River St. John to Hudson's "Straits and the said Island of Anticosti, and all other smaller islands "so annexed to the Government of Newfoundland by the said Proclamation of 7th October, 1763, (except the Magdaleines) shall be "separated from the said Government of Lower Canada, and be again "re-annexed to the Government of Newfoundland." In the year 1825 (6 Geo. IV.) yet another and final change was made, which governs the situation as it stands at the present day. By this act, a portion of the Coast of Labrador, in the Gulf of St. Lawrence, extending from the River St. John eastward to Blanc Sablon, a distance of about one hundred and fifty miles, was taken from Newfoundland and given to Quebec. The jurisdiction of Newfoundland then extended by the coast line *from Blanc Sablon to Hudson's Straits, as it does at the present day. The following are the words of this act of 1825.*

".... So much of the said coast as lies to the westward of a "line to be drawn due north and south from the Bay of Harbour of Anse "Sablon inclusive as far as the 52nd degree of north latitude, with the "Island of Anticosti and all other islands adjacent to such part as last "aforesaid, of the Coast of Labrador, shall be, and the same are hereby, "re-annexed, and made part of the said Province of Lower Canada."

This is the division of territory which holds good to-day. No change affecting it has since been made. In 1867, on the formation of the "Dominion of Canada," the act of union was passed. By it the Province of Lower Canada again received its old name of Quebec, and Upper Canada received the name of Ontario. But as regards Quebec, no change was made in its territorial jurisdiction.

The Act of Union of the Dominion of Canada or Act of British North America (30-31 Victoria, 1867) in section 146, provides for the admission into the Dominion of other provinces, on addresses from the respective Houses of Parliament, viz.: Newfoundland, P.E. Island, British Columbia, etc., and on address from the Houses of Parliament



of Canada for the admission of Rupert's land and the North West Territory, etc.

In the act 22-23 Victoria, 1859, mention is made of the "Indian Territories, or parts of America, not within the limits of either of the "the Provinces of Lower or Upper Canada." I draw attention to these words in order to show that there are specific and definite limits to the Provinces of Quebec and Ontario outside of which they have no right or claim to jurisdiction. The idea seems to prevail at Quebec and Ottawa that whatever portion of North Eastern America does *not* belong to Newfoundland, belongs *ipso facto* to them. This is an entirely mistaken notion. Their provinces are clearly and distinctly limited and bounded by the proclamation of 1763 and the subsequent acts, and outside that boundary they have no *locus standi*. The vast unbounded territory stretching away to the Pole belongs, no doubt, to the British Empire, but not to the Province of Quebec or Ontario. Hence it is that I stated in the beginning of this article that, whatever dispute there may be as to the extent of the jurisdiction of Newfoundland on Labrador Coast, it is a dispute or question directly with the Imperial Government, and Quebec has no place at all in the question.

There is indeed a clause in the British North America Act of 1871 by which the Parliament of Canada is authorized "to make provision "from time to time for the administration, peace, and order, and good "government of any territory, not for the time being included in any "province" (of the Dominion).

This clause does not seem to imply any dominion over such territories. At all events it can not in any way affect any portion of territory belonging to Newfoundland, nor does it give any privilege to the Province of Quebec.

It was, I presume, acting upon the powers conferred by this act that Canada established the Police Station at Fullerton on the N. W. shore of Hudson's Bay.

There is another clause in the same act by which the "Parliament of Canada" is empowered "from time to time, with the consent of the "Legislature of any Province, to increase, diminish, or otherwise alter "the limits of such Province." This act was passed some four years after the formation of the Canadian Dominion (1867), and was found necessary, on account of doubts having arisen as to the powers of the Parliament of the New Dominion, concerning the boundaries of Provinces already admitted, or territories to be admitted in future into the Confederation of the Dominion. It does not of course apply to Newfoundland or any province not then joining the Dominion.

It may be well to note here that in the case of any change of boundary being made "the consent of the Legislature of the province interested" was a necessary condition.

Acting upon the powers conveyed by this act the Canadian parliament, by an act of 1898 (61 Vic.), which I presume has received the Royal assent, made some very considerable alterations in the northern, western and eastern boundaries of the Province of Quebec. As these changes have an intimate bearing upon the question under discussion, it will be necessary for us here to quote the words of this act as far at least as they touch the territory of Newfoundland.

By the first and only section of this act it is enacted that the north-western boundary of the Province of Quebec shall run from "the head of Lake Temiscaming," on the Ottawa River above Ottawa, due north to James Bay, the southern expansion of Hudson's Bay. Thence following the shore of the said bay, east and north to the mouth of East Main River. Thence eastwardly by the said river. Thence by Patamisk Lake northwardly to the fifty-second degree of north latitude more or less. Then due east along the parallel (52-55') to Hamilton River. "Thence along the middle of the Hamilton River to the Bay du Rigolet "or Hamilton Inlet, and thence easterly along the middle of the said "Bay or inlet until it strikes the westerly boundary of the territory "under the jurisdiction of Newfoundland, and thence southerly along "the said boundary to the point where it strikes the north shore of Anse "Sablon in the Gulf of St. Lawrence."

There are several things to be noticed concerning this line of demarcation.

In the first place it is so located as to avoid overlapping any of the settlements established by the Hudson's Bay Company. Secondly, it will be observed that although a boundary line is acknowledged to exist of the Newfoundland territory, yet it is not definitely fixed, but left vague and uncertain. Thirdly, the Newfoundland boundary is supposed to be somewhere eastward of the bottom or head of Hamilton Inlet.

Fourthly, the line of boundary is supposed to be "along the middle" of the arm of Hamilton Inlet, the southern shore of which only is claimed by Quebec, hence even if this demarcation were admitted, the station or settlement at Rigolette, which is on the *Northern* shore of Hamilton Inlet, would still be in Newfoundland Territory.

Fifthly, there does not seem to be any meaning in the words "the North Shore of Anse Sablon."

Finally, it was *ultra vires*, and contrary to the wording of the Act of 1871, for the Canadian Parliament to make any law concerning the



boundary line of Newfoundland territory, even if we were a Province of the Dominion, without consulting our Government and obtaining the consent of our Legislature. It may be argued that the delimitation does not pretend to make any change in our boundary line, but fully respects it. But we reply that it definitely places it somewhere eastward of the head of Hamilton Inlet thus pretending to fix the very point that is in dispute between us.\* We do not at all admit the right of Quebec to make this line of demarcation, and we maintain that our western boundary is further to the westward than the head of Hamilton Inlet, and also that this new extension of the boundary of Quebec Province encroaches upon our Newfoundland territory. This I will attempt to prove in the *Second Part* of this article. I will begin by showing the meaning of the word Coast, the word which is constantly used in the Imperial Acts and Proclamations when speaking of these territories, and always includes some portion of the territory or land lying *behind* the coast, what the Germans call the *hinterland*. I may here by way of example mention the case of our long existing, though now happily settled dispute of the *French Shore Question*, on the western and north-eastern coasts of Newfoundland. In this case, although it was distinctly laid down in the Treaties that the "absolute dominion of the whole soil and territory" belonged to Great Britain and the French had only certain privileges or *user* of the coast, for the purpose of curing and drying fish, and cutting timber for fuel and making and mending scaffolding and boats, yet it was always admitted, that the French rights should carry with them a certain depth of the back land. This right was admitted by the British Government, during the Prime Ministership of Lord Palmerston, if I mistake not, to extend to at least

*One half mile from the strand*

or high water mark. The French claimed an indefinite distance further back. If then these mere fishing rights of the French, carrying with them no jurisdiction whatsoever, no dominion over the soil, no civil or political power, carried with them nevertheless the use of a portion of territory, how much more so in the present case, where it is a question of Britain ceding to Newfoundland, one of her own Colonies, the full rights of government, civil polity, jurisdiction, and dominion of a certain part of the coast. How much more, I repeat, must this concession include a large strip of the backland? It must be remembered that

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\* In the large Map of Canada issued by the Department of Railways and Canals (1903) the Newfoundland Boundary is completely ignored; the boundary of Quebec being made to run through clear to the Atlantic.

the portion of Labrador placed under the Government of Newfoundland, is made part and parcel of the colony or province, as much as any portion of the island itself. But besides this interpretation from commonsense we have actually at hand a criterion to guide us. We have the distinct expression in the acts quoted, of the meaning of the word "*Coast*" as applied to that portion of Labrador belonging to Quebec, viz.: from River St. John to Blanc Sablon. It is declared to mean from the sea coast to the head of the River St. John. Quebec has never questioned the meaning of the word *Coast* in this case.

How far back from the east coast of Labrador should Newfoundland's jurisdiction extend?

Before being able to form a conclusion on this matter it will be necessary to fix the meaning of the term—

*"Entrance to Hudson's Straits."*

It has been argued that as some of the acts and proclamations only mention the words "Hudson's Straits" without the addition of "Entrance," therefore this word is but a modern interpolation: this however cannot be admitted as the expression "Entrance of Hudson's Straights" is found in the commission of Thomas Graves, Esq., Governor of Newfoundland, as far back as 1763.

Moreover it evidently bears relation to the charter of the Hudson's Bay Company dated 1670. In that charter the said Company's limit of occupation, on the eastern side is "within the entrance of the Straits commonly called Hudson's Straights."

It is clear, then, that the jurisdiction of Newfoundland is contiguous to and adjoining this terminus, and includes all *without* the Hudson's Straits. The locating of this point then may be ascertained by finding the limit of the said Company in this locality.

I have not sufficient data at hand to determine the exact limits of the Hudson's Bay Company's territory. Indeed, I think it would be very difficult to determine them. At the time of the concession of these rights to the said company (1670) the country was but very imperfectly known, and the wording of the charter to them is extremely vague, in fact they are absolutely *unlimited*, the only fixed terminus being the "Entrance to Hudson's Straits." "The following is the wording of the charter:—

"All those seas, straits, bays, rivers, lakes, creeks and sounds, in "whatsoever latitude they shall be, that lie *within the entrance of the* "Straits, commonly called Hudson's Straits, together with all the lands "and territories, upon the countries, coasts and confines of the seas, "bays, lakes, rivers, creeks and sounds, aforesaid, that are not actually



“possessed by, or granted to, any of our subjects, etc.” It is not to be wondered at then, that the company from time to time gradually extended their claim until at length they spread their wings away, as far as the Rocky Mountains on the west; indeed at one time, actually reached the Pacific Coast, and off to Cockburn Land on the north, thus absorbing the whole central territory of the Dominion and specifically nearly the whole Province of Ontario, and the entire Provinces of Manitoba, Assiniboia, Alberta, Athabasca, Saskatchewan, Keewatan, McKenzie, etc., as is shown on the map of J. Arrowsmith, dated 1857.

On the earlier maps such as those of DeLisles, 1739, and a map dated 1756, the territory claimed by the company shows but a very modest strip starting from the S.W. corner of Ungava Bay at the mouth of the River Caniopuscaw or Koksoak, and encircling by a narrow strip the lower portion of Hudson's Bay known as James Bay, and terminating on the west side of Hudson's Bay at the mouth of Nelson's River, in latitude about 56 degrees north. This map, which is to be found in “A Report of the Boundaries of Ontario by Mills, M.P. (but no author's name is given), is very important, as the territory of Hudson's Bay Company is especially marked as having been “restored by France at the Treaty of Utrecht.” It shows the eastern starting point of the territory then claimed by the company as mentioned above at the S.W. corner of Ungava Bay in latitude 68 degrees W., about eight degrees, or about 170 miles west of Chidley, thus removing westwards by that much the starting point of Newfoundland jurisdiction.”

The word Cape Chidley, or Chudleigh, has appeared in recent documents as the entrance to Hudson's Straits, but this is only an error of copyists and can not at all be admitted. Cape Chidley is situated in latitude 60 degrees north, long. 64 degrees W.; it has been very appropriately called by one of the old navigators (Gomara) “the cusp of Labrador.” Upon closer examination we shall immediately find that Cape Chidley is not the entrance to Hudson's Straits; or Hudson's Bay, but to the very large and wide

#### *Ungava Bay.*

Cape Chidley is the southern point of the entrance to this large Bay. The northern side of the entrance is Resolution Island, at a distance of seventy-five miles. But immediately on rounding the point of Cape Chidley the great Bay of Ungava spreads out between the *Meta Incognita* on the north and Labrador territory on the south to a width of over two hundred miles, and extends westwardly to the same distance of 200 miles, when it gradually narrows to a channel of from 40 to 50 miles between Fox Land on the north and Esquimaux Land on the south.

This channel is generally marked on the maps as Hudson's Straits and the entrance to it is the point of "Hope's Advance" or Prince Henry's Foreland, commonly now called Cape Hope on the south, and North Bluff or Savage Island in Foxland on the north. But even this channel is not, correctly speaking, Hudson's Straits.

Hudson's Straits strictly speaking is the narrow channel between Cape Woolstenholme, on the south, and Charles Island, Salisbury Island, Nottingham Island, and Mansfield Island on the north. This channel leads directly into Hudson's Bay, and is the true and exact Hudson's Straits.

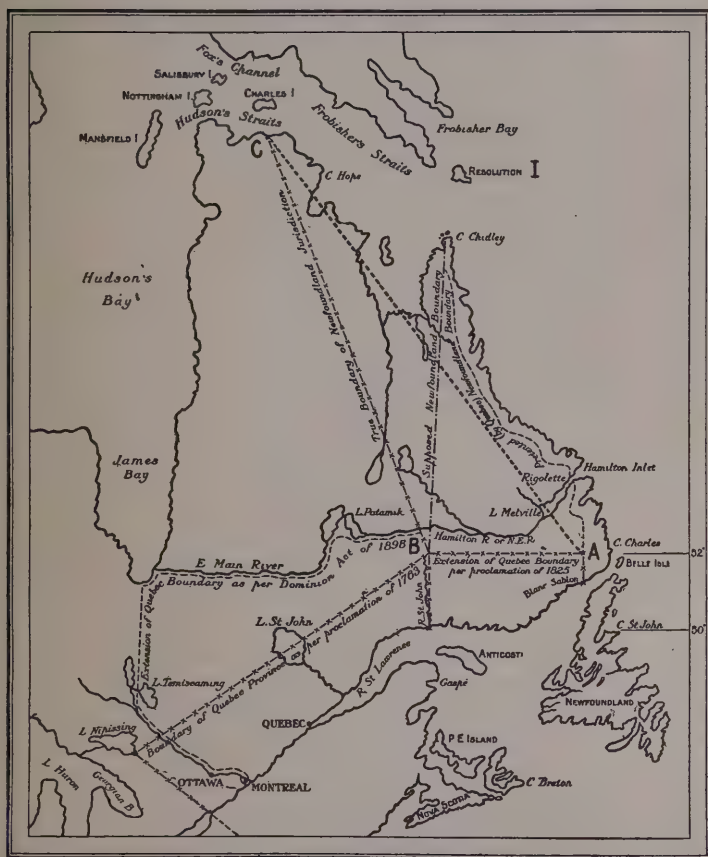
This fact, which is geographically evident to any one looking at the map, is proved also from a consideration of the history of the discovery of these seas and lands. The wide entrance of Ungava Bay was well known long before Hudson's time. In fact it was known from the days of Cabot. John (or Sebastian) Cabot on his second voyage of 1498 entered this channel in search of the north west passage and penetrated (through what is now known as Fox Channel) as far north as the 68th degree of latitude, all the voyagers, who followed him in this vain search penetrated this same passage.

In 1578 Frobisher entered it, and gave his name to it. It is to be seen still on his map (1578) though the name has been since superseded by Hudson's; and Frobisher's name on modern maps is only applied to a small bay north of Resolution Island.

From 1585-87, Davis cruised in those waters, and penetrated as far north as the 72nd degree, giving his name to the well-known strait. In 1602, George Waymouth was sent by the London East India Company, "to find a Northwest passage to India towards Cataya or China. He bore a letter from Queen Elizabeth to the Emperor of China, or Cathay." He (Waymouth) penetrated still further west, but he did not leave his name attached to any place. It was not until 1610 that Hudson, following the tracks of Frobisher, Davis and Waymouth, went into this channel and instead of continuing N.W., as they had done, he turned south from Charles Island and revealed to the world the great inland sea, which is known by his name, as Hudson's Bay. From this then it appears that the name of Hudson's Straits is only strictly to be applied to the immediate entrance to the great Hudson Bay, between Charles Island, Nottingham Island, Mansfield Island and Salisbury Island on the north, and the Labrador shore from Cape Hope or King Charles Foreland (as it was called), or Cape Charles, and Cape Woolstenholme on the south, and that this is the North Western terminus of Newfoundland's jurisdiction. A very important argument in favour of this interpretation is to be drawn from the fact that this place, and



not Cape Chidley, has always been known by fishermen and navigators as Hudson's Straits. The charter of the Hudson's Bay Company states as the limit of its territory in this neighbourhood "*which is commonly called Hudson's Straits.*" It is not then any point which the said company may choose to select and mark upon the map, but the point that has been commonly known from time immemorial by sailors,



and navigators of experience and knowledge in those parts, as such, which is to be accepted. It would be very important to obtain evidence from practical seamen on this point.

Having thus settled the question of the Northern point on the coast of Labrador where Newfoundland jurisdiction commences, let us now return southwards and endeavour to fix the southern point. As

far as the *mere Coast* is concerned, there can be no doubt that at present it ends at Blanc Sablon. But it is to be observed that the Letters Patent of 1876, already quoted, do not say simply "from the entrance to Hudson's Straits to Blanc Sablon,"—but "to a line to be drawn due north and south from Blanc Sablon on the said coast, to the fifty-second degree of north lat."

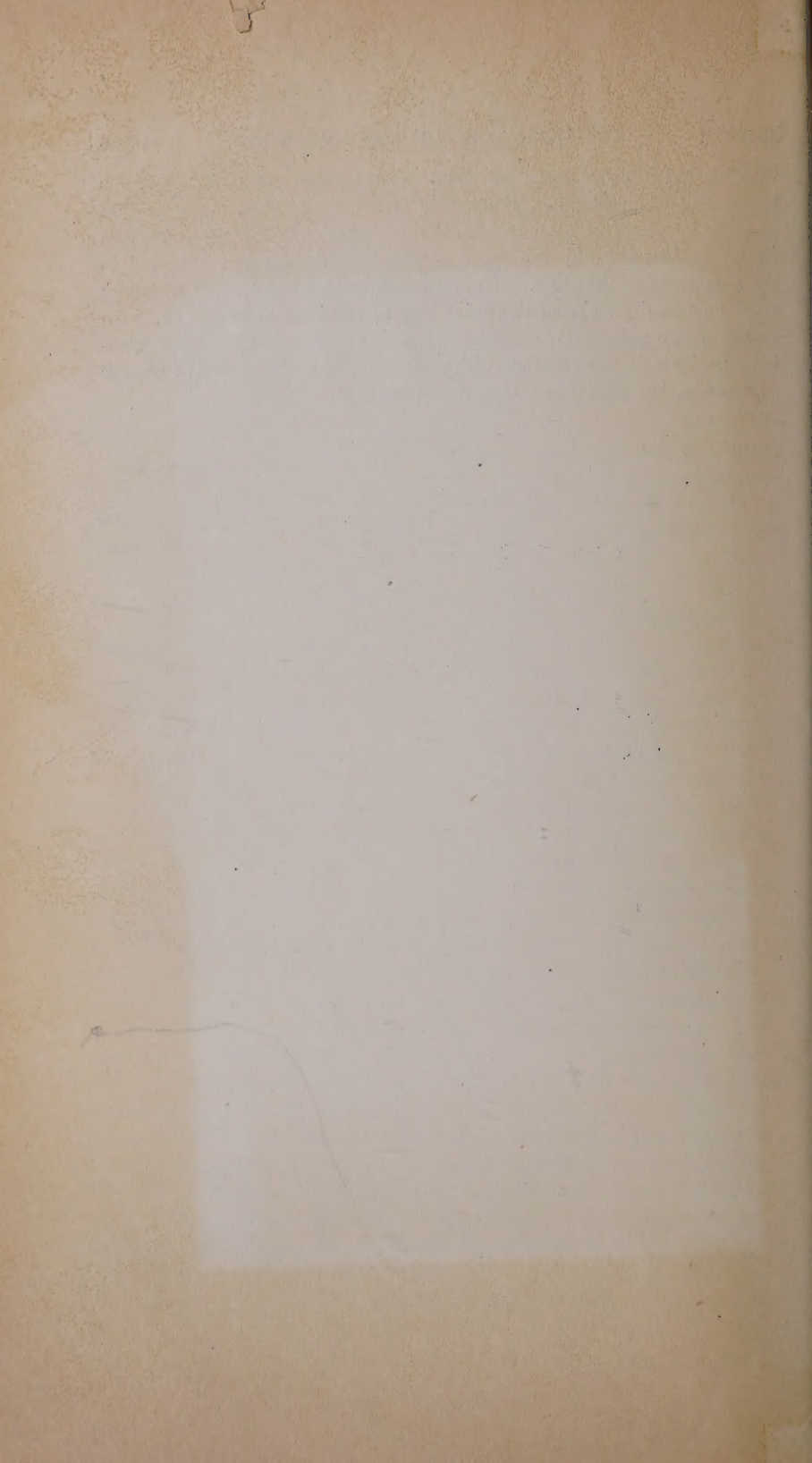
It follows then that our boundary line follows the coast from the point C. to Blanc Sablon and thence by the meridian to the point A. Now it might appear that the undefined and undescribed western boundary line should be a straight line drawn from A to C, as shown in the dotted line on the map. And as Quebec appears to claim from the division above cited, I would first observe that even if this were the case the whole of Hamilton Inlet would be included in Newfoundland territory. And even if it is held that Cape Chidley is the "entrance to Hudson's Straits," a line drawn from the point A to that cape would still leave Rigolette in Newfoundland territory.

But I maintain that the point of limitation on the south is not the point (A) north of Blanc Sablon, but the point (B) at the head waters of St. John River, and that the true western boundary of Newfoundland's jurisdiction in Labrador is a straight line drawn from the point B to the point C shown by the dash and dot line on the map. Now, to prove this, I must recur again to the Acts of Limitation.

It is to be remembered that by the Act of 1763, the eastern boundary of Quebec, separating that Province from Newfoundland, was the River St. John up to its head waters at the point B. Thence the northern boundary of Quebec Province is defined as a straight line passing through Lake St. John and reaching Lake Nipissing. North of that line Quebec had no jurisdiction and although by the above recited Act of 1898, a considerable addition of territory has been given to Quebec on the north, yet she cannot encroach on Newfoundland territory. Now nothing is said either in the Act of 1763 or in the Proclamation of 1876 about the *western* boundary of Newfoundland territory. The words of the proclamation are as follows:—" . . . All that coast from the River St. John to the Hudson's Straits" is placed under the dominion of the Governor of Newfoundland. It seems then that there can be no doubt that at that time the western boundary of Newfoundland territory was a straight line drawn from the head waters of the River St. John (B) to Hudson's Straits (C), shown by the dash and dot line on the map. Now, when by the Act of 1825, (6 Geo. IV), the final change was made, and the portion of the coast between the River St. John and Blanc Sablon was again given to Quebec, it was distinctly defined on the north as being the 52nd parallel of north latitude. North of that



line, Quebec received no jurisdiction. That territory remained as it was before this final change. Hence although Newfoundland lost a portion of territory *south* of the 52nd parallel of north latitude and west from Blanc Sablon, she did not lose anything of what she had possessed to the *northward* of that line. Hence I conclude that her western boundary must now be drawn from the point (B) at the head waters of St. John River, to the point (C), somewhere near Cape Hope or Cape Woolstenholme. This is the question which we have to settle, not with Quebec or Canada, but with the Imperial Government.





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